



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

July 13, 1995

Mr. Leonard W. Peck, Jr.  
Assistant General Counsel  
Legal Affairs Division  
Texas Department of Criminal Justice  
P.O. Box 99  
Huntsville, Texas 77342-0099

OR95-588

Dear Mr. Peck:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 32198.

The Texas Department of Criminal Justice (the "department") received a request for, among other things, a copy of "staffing requirements for security of shift 2A" and "a copy of all shift rosters from the day that the Gurney Unit officially opened for shift 2A." You claim that this information is excepted from disclosure under section 552.108 of the Government Code. You have also submitted a representative sample of the requested information.<sup>1</sup> We have considered the exception you claimed and have reviewed the sample documents.

Section 552.108(b) excepts from disclosure "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution . . . ." This section excepts from disclosure the internal records and notations of law enforcement agencies and prosecutors when their release would unduly interfere with law enforcement and crime prevention. Open

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<sup>1</sup>In reaching our conclusion here, we assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988) (where requested documents are numerous and repetitive, governmental body should submit representative sample; but if each record contains substantially different information, all must be submitted). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

Records Decision No. 531 (1989) at 2 (quoting *Ex parte Pruitt*, 551 S.W.2d 706, 710 (Tex. 1977)). When section 552.108(b) is claimed, the agency claiming it must reasonably explain, if the information does not supply the explanation on its face, how releasing the information would unduly interfere with law enforcement. Open Records Decision No. 434 (1986) at 3.

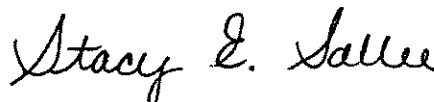
This office has on numerous occasions concluded that section 552.108 excepts from public disclosure information relating to the security or operation of a law enforcement agency. *See, e.g.*, Open Records Decision Nos. 531 (1989) (holding that section 552.108 excepts detailed guidelines regarding a police department's use of force policy), 508 (1988) (holding that release of dates of prison transfer could impair security), 413 (1984) (holding that section 552.108 excepts sketch showing security measures for execution). You claim that disclosure of these requested materials

would provide such detail about the minutia[e] of prison staffing that those inclined to use the information for evil purposes could use it to compromise the security of the prison. From the documents, he could learn how many people were on duty and where they were located. For someone wishing to escape, or assist an escape, or enter the prison for some wicked purpose, knowing who to look out for and where can be a great help.

We agree that allowing the public to know how many guards are on duty and where they are positioned on a day-to-day basis would unduly interfere with law enforcement. Accordingly, the department may withhold the staffing requirements for security on a particular shift. Although the shift rosters show how many guards were previously on duty, we believe that the disclosure of this information "from the day that the Gurney Unit officially opened" would tend to show a pattern as to how that particular shift was staffed. *Cf.* Open Records Decision No. 508 (1988) (holding that the disclosure of information relating to *past* transfers of inmates would not unduly interfere with law enforcement). Therefore, we conclude that the department may also withhold the requested shift rosters.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Stacy E. Sallee  
Assistant Attorney General  
Open Government Section

SES/KHG/rho

Ref.: ID# 32198

Enclosures: Submitted documents

cc: Mr. George R. Simmons  
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(w/o enclosures)